

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25421 of 2006

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Dated: February 09, 2007
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Between:

P. Soma Sekhar Reddy, S/o. Ramachandra Reddy,
Aged about 46 years, Occ: Sarpanch, R/o. Uttanoor
Village, Ileeja Mandal, Mahaboobnagar District, and
Another.

... Petitioners

And

The District Collector, Mahaboobnagar District,
Mahaboobnagar, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the first respondent in not disposing of the representation dated 30-11-2006 submitted by the petitioners as illegal and arbitrary.

2. Petitioners 1 and 2 claim that they are the Sarpanch and

President of Ryot Sangham respectively, of Uttanoor village, Ileeja Mandal, Mahaboobnagar District. Their case is that there is a plot of land admeasuring 40' X 50' in Edigonepalli village, hamlet of Uttanoor village, and the same is Grama Khantam land. It is stated that, on a request made by the villagers, the Gram Panchayat passed a resolution dated 15-08-2006 resolving to utilise the said piece of land for construction of community hall for the benefit of ryots of the village and accordingly necessary steps were taken for construction of community hall. The grievance of the petitioners is that respondents

2 and 3, without any approval from the Gram Panchayat, entered into possession of the said land and proposing to construct a school building, under the scheme of Sarva Siksha Abhiyan. It is stated that petitioners have submitted representation dated 30-11-2006 to the first respondent to intervene in the matter and stop the construction of the proposed building. It is alleged that even though the representation is pending since a long time, no action whatsoever has been taken.

3. Heard learned counsel for petitioners, learned Government Pleader for Revenue for the first respondent and learned Government Pleader for Education for respondents 2 and 3.

4. Respondents 2 and 3 have filed counter affidavit stating that the land admeasuring 40' X 50' of Edigonipally, hamlet of Uttanoor village, is a Government land and the said land, which belongs to upper primary school, is in the exclusive possession of the said school since a long time. It is stated that the Headmaster

and Mandal Educational Officer have selected the aforesaid site and recommended for construction of an additional classroom in the existing school site and the District Collector, who is the Chairman of DPEP/SSA, Mahabubnagar, has accorded administrative sanction for construction of classroom in the aforesaid site, by proceedings dated 26-04-2006.

5. Though it is the case of petitioners that the aforesaid site belongs to Gram Panchayat; however, the same is denied in the counter affidavit. Moreover, in this Writ Petition, in the absence of recording any evidence, it is not possible to decide whether the land in question belongs to Gram Panchayat or it is in the possession of the school itself. In that view of the matter, I do not find any valid ground to grant the relief as prayed for.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007

MRR